

DOCUMENT RESUME

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[Travel Expenses Resulting from Hurricane Evacuation]. B-191293.
December 4, 1978. 3 pp.

Decision re: Veldou A. Chapman; Rudy G. Richter; H. Wayne
Norton; by Robert F. Keller, Deputy Comptroller General.

Contact: Office of the General Counsel; Personnel Law Matters I.
Organization Concerned: National Park Service; Padre Island
National Seashore; National Park Service; Southwest Regional
Office.

Authority: 5 U.S.C. 5725.

Employees of Padre Island National Seashore and their
families were ordered to leave the island and travel to a place
of safety due to the threat of a hurricane. If the agency
determines that an evacuation in fact occurred under its
regulations, the employees would be entitled to mileage for
dependent transportation by private automobiles incident to the
evacuation. (SC)

DECISION

*L. H. ...
Part I*

**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

8524

FILE: B-101293

DATE: December 4, 1978

MATTER OF: Veldon A. Chapman and others - Travel
Expenses - Hurricane Evacuation

DIGEST: Employees of Padre Island National Seashore and their families were ordered to leave the island and travel to a place of safety due to the threat of a hurricane. If the agency determines that an evacuation in fact occurred under its regulations, employees would be entitled to mileage for dependent transportation by private automobiles incident to the evacuation.

This decision responds to the request of Levi E. Lopez, an authorized certifying officer of the Department of the Interior, National Park Service, Southwest Region, concerning the claims of three employees, Rudy G. Fichtner, Veldon A. Chapman, and H. Wayne Norton, for the reimbursement of expenses related to the evacuation of their dependents from Padre Island. Mr. Lopez disallowed the claims on the basis that an evacuation did not take place since no household goods or personal effects were removed from the island.

The employees work at the Padre Island National Seashore where they are required to live in Government furnished quarters as a condition of employment. The record shows that the three employees and their families were directed to leave Padre Island and take up temporary residence at the Hilton Inn, located approximately 40 miles from the island headquarters, when hurricane Anita threatened to strike the island on August 31, 1977. The employees were given radios and Government automobiles and were instructed to remain in duty status and maintain continuous radio communications with headquarters which is located some 16 miles from the employees residences and out of the park boundary. The wives of the employees drove privately owned vehicles to and from the Hilton Inn.

As a result of this temporary evacuation, claims for the expenses of the employees families were submitted and denied for the reason set forth above. Mr. Lopez has treated the incident as an official order to the employees to leave the island and travel to the Hilton Inn on temporary duty rather than an authorized evacuation. He concludes that only the employees are entitled to mileage and per diem allowances for the temporary duty.

The Padre Island National Seashore operates under a Hurricane Preparedness Plan, approved by the Southwest Regional Office on September 30, 1976. This Plan prescribes procedures to be followed by the National Seashore employees and their families in situations when a hurricane strike is imminent. Pertinent provisions of the plan provide for the evacuation of families to the mainland well in advance of a storm to insure their safety.

Section V of the Preparedness Plan, Relocation of Families Living in Government Quarters, stipulates that park employees and dependents living in Government housing on Padre Island will be evacuated and provided with temporary quarters within a 50 mile radius of park headquarters. The section further provides that park employees living in private housing on the mainland may evacuate at their own discretion, but will not be placed on per diem. Rates of per diem allowed are designated as the same rates applicable to a change of duty station. The Plan also recognizes the possibility that some employees will be assigned duties at a duty station other than the place of evacuation and therefore will be separated from their families.

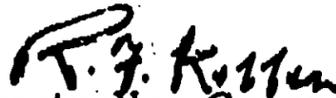
Title 5, United States Code, section 5725, provides the authority for transportation at Government expense of the immediate family of a Government employee when an official determination by proper authority is made that emergency evacuation of families is required. No provision is made in section 5725 for subsistence and we are unaware of any other authority that would authorize such payments including the per diem set forth in the evacuation plan. Staff personnel at agency headquarters in Washington, D. C., advise that they know of no such authority. In accordance with Part 347, Chapter 16, Paragraph 4 of the Departmental Manual criteria for evacuation is as follows:

"The immediate family of an employee may be evacuated because of military or other reasons which create imminent danger to life or property, or adverse living conditions which seriously affect health, safety, or accommodations of the family. They may also be evacuated when an employee is transferred or assigned to duty at places where his immediate family is not permitted to accompany him for above reasons."

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It is indicated that the three employees and their families were officially ordered to leave the island and travel to the Hilton Inn because of the threat of a hurricane. Whether an evacuation in fact occurred would primarily be a matter for determination within the agency under the authority of 5 U.S.C. 5725, supra. If the agency determines that the employees were evacuated in accordance with the applicable agency regulations then the employees would be entitled to reimbursement for mileage for transportation of their families by private automobiles for the round-trip distance between their residences on Padre Island and the evacuation point. As stated above, no travel per diem or other form of subsistence expense reimbursement is authorized under 5 U.S.C. 5725. However, in addition to mileage for family transportation under 5 U.S.C. 5725 the employees are entitled transportation and per diem for themselves under the Federal Travel Regulations if they were required to perform duty away from their duty station on Padre Island.

The evacuation plan should be reviewed and modified to conform with this decision.


Deputy Comptroller General
of the United States